

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WISCONSIN

WILLIAM ROBERT SHAW,

Plaintiff,

v.

Case No. 19-C-1059

CITY OF MILWAUKEE, et al.,

Defendants.

ORDER

Plaintiff William Robert Shaw, who is represented by counsel, is proceeding with a civil rights lawsuit under 42 U.S.C §1983. The final pretrial conference is set for November 18, 2021; and a jury trial is set to commence on December 1, 2021. Dkt. No. 167.

On October 25, 2021, Shaw filed a *pro se* motion to direct counsel to refile his 15 motions in limine. Dkt. No. 183. The Court will deny the motion. Shaw's counsel is competent to determine what motions in limine are necessary in this case and when to file them. Shaw should communicate with counsel if he has opinions on what motions in limine to file or when to file them.

On October 28, 2021, Defendants filed a Rule 7(h) expedited non-dispositive motion to adjourn the December 1, 2021 trial. Dkt. No. 184. They explain that Shaw seeks damages for physical pain, emotional distress, humiliation, and trauma, so they need his medical records. *Id.* at 2. According to Defendants, Shaw only recently agreed to sign medical authorizations, so they likely will not receive his medical records in time for the December 1 trial. *Id.* at 2-3. The Court will deny this motion as well. Defendants have known about the need for medical authorizations

since being served with the complaint in 2019 yet have not requested them from Shaw since the Summer of 2020. Dkt. No. 185 at 2. Further, Defendants indicated in August 2021 that the medical authorizations were an issue, *see* Dkt. No. 169 at 2, but they did not send a request for authorizations until filing the pending motion to adjourn the trial, *see* Dkt. No. 184 at 3. Defendants also never filed a motion to compel, at any point in the litigation, to retrieve the medical authorizations. In short, Defendants' own actions have prevented them from timely obtaining the medical records they claim they need for the damages portion of trial. The Court will not adjourn this trial based on Defendants' own delay. This case has been pending for over two years and must head towards resolution. Thus, the Court will deny Defendants' Rule 7(h) expedited non-dispositive motion to adjourn the December 1, 2021 trial. The trial will proceed as scheduled.

IT IS THEREFORE ORDERED that Plaintiff's *pro se* motion to direct counsel to refile 15 motions in limine (Dkt. No. 183) is **DENIED**.

IT IS FURTHER ORDERED that Defendants' Rule 7(h) expedited non-dispositive motion to adjourn the December 1, 2021 trial (Dkt. No. 184) is **DENIED**.

Dated at Green Bay, Wisconsin this 8th day of November, 2021.

s/ William C. Griesbach
William C. Griesbach, District Judge
United States District Court